

IN RE: PETITION FOR ZONING VARIANCE  
N/S Cove Road, 670' W of the  
c/l of Stansbury Road  
(8300 Cove Road)  
12th Election District  
7th Councilmanic District  
John R. Wortman, Jr., et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-9-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, John R. and Mary A. Wortman. The Petitioners request relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 1 foot and a side yard setback of 12 feet in lieu of the minimum required 30 feet for each for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were John and Mary Wortman. There were no Protestants.

Testimony indicated that the subject property, known as 8300 Cove Road, consists of 10,976 sq.ft., more or less, zoned M-L and is improved with a one bedroom dwelling and frame shed. Said property is located within the Chesapeake Bay Critical Areas on Bear Creek. The Petitioners are desirous of raising the existing dwelling, which is located on the south side of the subject property and actually encroaches on the adjacent B and O Railroad easement, and constructing a new single family dwelling. Due to the narrow width of the lot and the steep slope on the northern edge of the property tapering towards Bear Creek, the Petitioners are forced to situate the proposed dwelling in the location shown on Petitioner's Exhibit 1, thereby necessitating the requested variances. The Peti-

tioners testified that the proposed development will comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to Critical Areas requirements.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of September, 1992 that the Petition for Zoning Variance requesting relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 1

foot and a side yard setback of 12 feet in lieu of the minimum required 30 feet for each for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 3, 1992, attached hereto and made a part hereof.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 9/10/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/10/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/10/92  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/10/92  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 10, 1992

(410) 887-4386

Mr. & Mrs. John R. Wortman, Jr.  
12 Kinship Road  
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE  
N/S Cove Road, 670' W of the c/l of Stansbury Road  
(8300 Cove Road)  
12th Election District - 7th Councilmanic District  
John R. Wortman, Jr., et ux - Petitioners  
Case No. 93-9-A

Dear Mr. & Mrs.:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

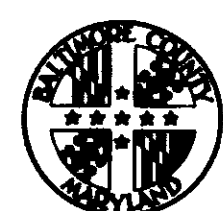
TMK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File



## Petition for Variance 93-9-A

to the Zoning Commissioner of Baltimore County

for the property located at 8300 Cove Road which is presently zoned M-L

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 and rear setback of 12' to allow a rear setback of 7' 11" less of the required 30' for single family dwelling.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

*John R. Wortman Jr.*  
John R. Wortman Jr.

*Mary A. Wortman*  
Mary A. Wortman

*John R. Wortman Jr.*  
John R. Wortman Jr.

*Mary A. Wortman*  
Mary A. Wortman

12 Kinship Rd. 284-2785  
Baltimore, MD 21222

John R. Wortman Jr. 284-2785  
12 Kinship Rd. 284-2785

OFFICIAL USE ONLY  
ESTIMATED LENGTH OF REVIEW (Indicate date for Review)

On the following date: \_\_\_\_\_ Next Two Months

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE \_\_\_\_\_ BY \_\_\_\_\_

#### Hardship or Practical Difficulty (from petition for zoning variance)

My wife and I wish to build a two story, single family home on the property of 8300 Cove Road. In doing so we will be beautifying the surrounding area. We wish to remove the existing unsalvageable summer shack which is currently located on parts of the existing lot belonging to B&O Railroad. (The lot belonging to B&O is a 40 foot by approx. 175 foot lot which is rented by us.) This can be plainly seen on the survey conducted in May of 1992. Our new plans call for the new home to be built 1 foot away at one corner and 7 feet away on the opposite corner from B&O property. The practical difficulty is that when abiding by the zoning laws of a property zoned M-L we must have a minimum side setback of 30 feet. Current D.E.P.R.E.M. regulations require us to be a minimum of 22 feet from the Mean high tide of Bear Creek. (The area of water adjacent to the property) When following both guidelines of County agencies we find ourselves with a usable property of 4 feet by 175 feet. As this would make a great doghouse it will not make a livable home for my wife and our children. My wife and I both grew up in this area and wish to raise our children in the same atmosphere we grew up in. Being Baltimore County taxpayers at present and for many years in the future, we hope that you will see your way to grant this variance. If it is not granted, a beautiful piece of Baltimore County will be rendered worthless to us. Although financial loss is not grounds for hardship, we have invested a large amount of time and money in this project and we hate to see it destroyed by a few feet of land.

*John R. Wortman Jr.*  
John R. Wortman Jr.  
*Mary A. Wortman*  
Mary A. Wortman

#### Zoning Description for 8300 Cove Road 93-9-A

Beginning at a point on the west side of Cove Road which is 20' wide at a distance of 670' west of the centerline of the nearest improved intersecting street, Stansbury Road which is 30' wide. As recorded in deed Liber 7005, Folio 092, but resurveyed by APR Associates on May 14, 1992. South 64 degrees 38 minutes East 177 feet, South 25 degrees 22' West 50 feet, North 72 degrees 22' 30" West 178.38 feet, north 25 degrees 22' 00" East 73.50 feet. To the point of beginning containing 10,976 square feet, approx. .25 acres known as 8300 Cove Road and located in the 12th Election District.

#### CERTIFICATE OF POSTING 93-9-A

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th  
Posted for: 10 business days  
Petitioner: John R. Wortman Jr.  
Location of property: 8300 Cove Rd., MD, 620' W of Stansbury Rd.  
Location of Sign: Facing East Rd. on property of Petitioner  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 9/16/92

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/30, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/30, 1992

THE JEFFERSONIAN,

S. Zeh  
Publisher

Case #93-9-A  
111 West Chesapeake Ave  
Towson, MD 21204  
7th Floor  
John R. Wortman, Jr.  
Mary A. Wortman  
Hearing  
Wed. Aug. 26, 1992  
at 2:00 p.m. in Rm. 118,  
Courthouse.

Measure to alter a rear  
setback of 1 foot and side setback  
of 12 feet to 10 feet of the subject lot  
for a single family dwelling.

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001 6150  
Number

119 3000 17 Item  
No.

PUBLIC HEARING FEES QTY PRICE  
015 - ZONING VARIANCE (IRL) 1 X \$50.00  
TOTAL: \$50.00  
NAME OF OWNER: WORTMAN, JR.

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 8-4-92

John R. and Mary A. Wortman  
12 Kinship Road  
Baltimore, Maryland 21222

RE:  
Case #93-9-A  
N/S Cove Road, 670' W of c/l Stanbury Road  
8300 Cove Road  
12th Election District - 7th Councilmanic  
Petitioner(s): John R. Wortman, Jr. and Mary A. Wortman  
HEARING: WEDNESDAY, AUGUST 26, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 69.79 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Bel Jahn

ARNOLD JABLON  
DIRECTOR

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JULY 21, 1992

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #93-9-A  
N/S Cove Road, 670' W of c/l Stanbury Road  
8300 Cove Road  
12th Election District - 7th Councilmanic  
Petitioner(s): John R. Wortman, Jr. and Mary A. Wortman  
HEARING: WEDNESDAY, AUGUST 26, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Variance to allow a rear setback of 1 foot and side setback of 12 feet in lieu of the required 30 feet for a single family dwelling.

Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: John & Mary Wortman

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND No. 107854  
OFFICE OF FINANCE REVENUE DIVISION  
SCATTERED CASH RECEIPT HEARING 8-26-92  
DATE 8/26/92 ACCOUNT R001 6150  
AMOUNT \$ 69.79  
RECEIVED FROM: JOHN WORTMAN  
FOR: ADV + POSTING IN ZONING CASE 93-9-A  
(SIGNATURE OF CASHIER)  
04-AD-00155CHICARD \$59.79  
VALIDATION OR SIGNATURE OF CASHIER  
DATE: 8/26/92 TIME: 1:00 PM BY: CHICARD

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

August 6, 1992

(410) 887-3353

Mr. & Mrs. John R. Wortman, Jr.  
12 Kinship Road  
Baltimore, MD 21222

RE: Item No. 17, Case No. 93-9-A  
Petitioner: John R. Wortman, et ux  
Petition for Variance

Dear Mr. & Mrs. Wortman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing  
this 10th day of July, 1992.

Bel Jahn  
ARNOLD JABLON  
DIRECTOR

Received By:

W. Carl Richards Jr.  
CHAIRMAN,  
ZONING PLANS ADVISORY COMMITTEE

Petitioner: John R. Wortman, et al

Petitioner's Attorney:

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services) 08/03/92  
Development Review Committee Response For  
Authorized signature John R. Wortman Date 8/3/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Azeal Property)			6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
Theresa A. Mahstedt	4		7-13-92
DED DEPRM RP STP TE			
COUNT 1			
Dwings Run Apartments			7-20-92
91360 DED DEPRM (SWM) (EIRD)			
COUNT 1			
The Marsden Chevrolet, Inc.	15		7-27-92
DED DEPRM RP STP TE			
Baltimore County General Hospital, Inc.	16		NC
DED DEPRM RP STP TE			
John R. and Mary A. Wortman	17		NC
DED DEPRM RP STP TE			
Eugene C. Salvo	18		Comment
DED DEPRM RP STP TE			
COUNT 4			
FINAL TOTALS			
COUNT 7			
*** END OF REPORT ***			

93-9-A Aug. 26  
BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

## MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

DATE: August 4, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - August 3, 1992

The Office of Planning and Zoning has no comments on the following petitions:

BRUCE & INDIA CURRY - ITEM 6  
HYBRARD, ERMA - ITEM 8  
BORSETTI, RYANMOND & DEBORAH - ITEM 25  
MCELROY, ROBERT & JEANNETTE - ITEM 26  
WORTMAN, JOHN & MARY - ITEM 9  
WARD, ARTHUR THOMAS - ITEM 9

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED  
AUG 11 1992

ZONING OFFICE

8\_3\_92.TXT  
Petition.txt



PRW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *Rafael J. Family* Date: 8/13/92

Project Name: Stonegate at Patapsco (Azeal Property)  
File Number: 90476 Waiver Number: 4 Zoning Issue: 6-1-92 Meeting Date: 7-13-92  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1  
Theresa A. Mahlistedt 4 ? 7-13-92  
DED DEPRM RP STP TE

COUNT 1  
✓ The Marsden Chevrolet, Inc. 15 N/C 7-27-92  
DED DEPRM RP STP TE  
✓ Baltimore County General Hospital, Inc. 16 N/C  
DED DEPRM RP STP TE  
✓ John R. and Mary A. Wortman 17 N/C  
DED DEPRM RP STP TE  
Eugene C. Salvo 18 M/T  
DED DEPRM RP STP TE

COUNT 4  
FINAL TOTALS  
COUNT 6  
\*\*\* END OF REPORT \*\*\*

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: August 6, 1992

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Work #7  
8300 Cove Road

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

See attached Chesapeake Bay Critical Area Findings.

JLP:ju

JABLON/S/TXTJEU

RECEIVED  
AUG 7 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21204-5500  
JULY 23, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN R. WORTMAN, JR. AND MARY A. WORTMAN  
Location: #8300 COVE ROAD  
Item No.: WORK #7 (LWG) Zoning Agenda: JULY 27, 1992

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Approved: *Carl J. Jurek*  
Fire Prevention Bureau

JP/KEK

RECEIVED  
JUL 27 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *Walter P. ...* Date: 8/13/92

Project Name: Stonegate at Patapsco (Azeal Property)  
File Number: 90476 Waiver Number: 4 Zoning Issue: 6-1-92 Meeting Date: 7-13-92  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1  
Theresa A. Mahlistedt 4 ? 7-13-92  
DED DEPRM RP STP TE

COUNT 1  
✓ The Marsden Chevrolet, Inc. 15 No Comment 7-27-92  
DED DEPRM RP STP TE  
✓ Baltimore County General Hospital, Inc. 16 No Comment  
DED DEPRM RP STP TE  
✓ John R. and Mary A. Wortman 17 No Comment  
DED DEPRM RP STP TE  
Eugene C. Salvo 18 No Comment  
DED DEPRM RP STP TE

COUNT 4  
Lois L. Ruckman 19 No Comment 8-3-92  
DED DEPRM RP STP TE  
Colonial Village Company 20 No Comment  
DED DEPRM RP STP TE  
James W. Jr. and Terry A. Hooke 21 No Comment  
DED DEPRM RP STP TE  
Arthur G. and Helen P. Magsamen 22 No Comment  
DED DEPRM RP STP TE  
Fuchs Spices, U.S.A., Inc. 23 No Comment  
DED DEPRM RP STP TE  
Susan J. Blum 24 No Comment  
DED DEPRM RP STP TE

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management  
DATE: August 3, 1992

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance  
Wortman Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8300 Cove Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME John Wortman

APPLICANT PROPOSAL

The applicant has requested a variance from section 255.1 of the Baltimore County Zoning Regulations to permit a rear yard setback of 1 foot and a side yard setback of 12 feet in lieu of the required 30 feet for a single family dwelling.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

ORDER RECEIVED FOR FILING  
Date: *8/13/92*  
By: *JLP*

Mr. Arnold E. Jablon  
August 3, 1992  
Page 2

REGULATIONS AND FINDINGS

- 1a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
- 1b. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 26-450, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 26-449(d)>.

Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline."

Finding: The new house will be located 22 feet from mean high tide - the limit of existing permitted disturbance.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: Rooftop runoff shall be directed through downspouts and into seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

ORDER RECEIVED FOR FILING  
Date: *8/13/92*  
By: *JLP*

Mr. Arnold E. Jablon  
August 3, 1992  
Page 2

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.
- Finding: This property presently contains 15% forest cover. The applicant agrees to replace all foliage removed as a result of construction.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director  
Department of Environmental Protection  
and Resource Management

JJD:SA:ju

Attachment

WORTMAN/WQCBCA

ORDER RECEIVED FOR FILING  
Date: *8/13/92*  
By: *JLP*

DEED - FEE SIMPLE  
LIBER 9041 PAGE 28  
93-9-A

THIS DEED, Made this 27th day of January, 1992, in the year one thousand nine hundred and ninety-two, by and between JOHN ANDREW RYDZEWSKI and MARLENE RYDZEWSKI, his wife, parties of the first part, Grantors, and JOHN R. WORTMAN, JR. and MARY A. WORTMAN, his wife, parties of the second part, Grantees.

WITNESSETH, That for no consideration, the said parties of the first part, Grantors, do grant and convey to the said JOHN R. WORTMAN, JR. and MARY A. WORTMAN, his wife, as tenants by the entirety, their assigns, the survivor of them, his or her personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point in the northeast right of way line of the Patapsco Branch of the Baltimore and Ohio Railroad, at the distance of 135 feet south 64 degrees 38 minutes east from the end of the third or south 64 degrees 38 minutes east 518 foot 6 inch line of the 4 acre tract of land which by Deed dated September 25, 1936 and recorded among the Land Records of Baltimore County in Liber CMB Jr. No. 984, folio 234 was conveyed by Mary E. Stansbury, et al to Charles J. Owens, et al., 64 degrees 38 minutes east 177 feet, thence leaving said railroad for new division lines through and across the land of said grantors as follows: North 25 degrees 22 minutes east 20 feet to the northeast side of a 20 foot alley to be left open for use in common, and continuing the same direction north 25 degrees 22 minutes east 53.5 feet to the waters of Bear Creek, thence running and binding on the waters of Bear Creek north 72 degrees 02 minutes west 178.48 feet, and thence running south 25 degrees 22 minutes west 50 feet to the place of beginning. The improvements thereon being known as No. 8300 Cove Road.

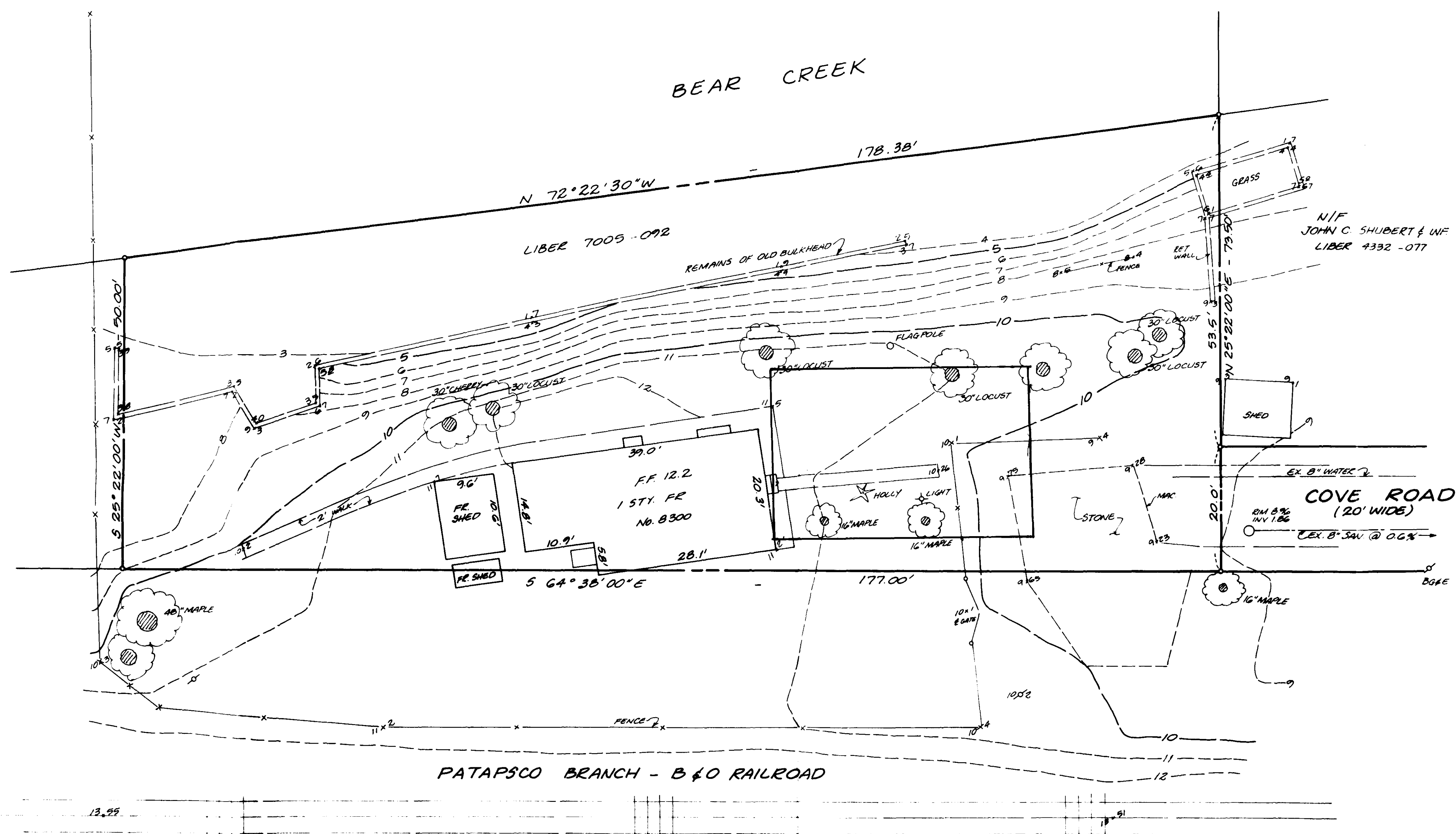
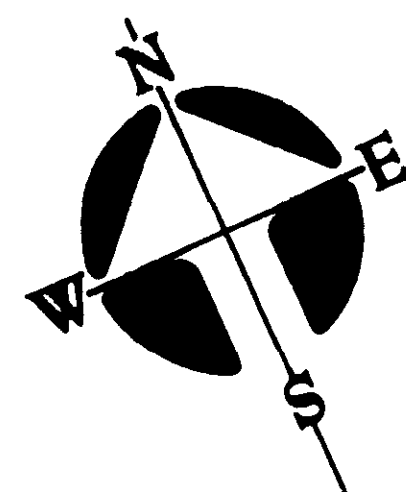
TOGETHER WITH the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining and especially all riparian rights incident thereto, as well as all rights of ingress and egress as set out in a Deed from George L. Stansbury to the Baltimore and Ohio Railroad Company, dated March 14, 1917 and recorded among the Land Records of Baltimore County in WRC No. 479, folio 110.

BEING THE SAME lot of ground which by Deed dated September, 1985 and recorded among the Land Records of Baltimore County on October 3, 1985 in Liber EIK Jr. No. 7005, folio 92 granted and conveyed by Margaret M. Miller unto John Andrew Rydzewski and Marlene Rydzewski, his wife.

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County  
Date: *8/13/92*

NO TITLE EXAMINATION MADE OR REQUESTED  
DESCRIPTION FURNISHED BY THE GRANTOR





93-9-A

DATE	REVISION	BY

5-14-1992

APR ASSOCIATES, INC.  
14111 Rock Road • Baltimore, Maryland 21236 • (410) 644-4312

BOUNDARY & TOPOGRAPHIC SURVEY  
8300 COVE ROAD  
12TH ELECTION DISTRICT  
BALTIMORE COUNTY  
MARYLAND

SCALE: 1" = 10' DATE: MAY 14, 1992

9204





PREPARED BY AIR PHOTOGRAPHS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
DUNDALK  
SOLLERS POINT

SHEET  
S.E.  
5-F